

(Published in the *Wichita Eagle*, on December 24, 2015)

RESOLUTION NO. 15-392

A RESOLUTION DETERMINING THE ADVISABILITY OF THE MAKING OF CERTAIN INTERNAL IMPROVEMENTS IN THE CITY OF WICHITA, KANSAS; MAKING CERTAIN FINDINGS WITH RESPECT THERETO; AND AUTHORIZING AND PROVIDING FOR THE MAKING OF THE IMPROVEMENTS IN ACCORDANCE WITH SUCH FINDINGS (PAVING IMPROVEMENTS – PEARL BEACH ADDITION/SOUTH OF 37TH STREET NORTH, EAST OF HOOVER) (472-85252).

WHEREAS, a petition (the "Petition") was filed with the City Clerk of the City of Wichita, Kansas (the "City") proposing certain internal improvements; and said Petition sets forth: (a) the general nature of the proposed improvements; (b) the estimated or probable cost of the proposed improvements; (c) the extent of the proposed improvement district to be assessed for the cost of the proposed improvements; (d) the proposed method of assessment; (e) the proposed apportionment of the cost between the improvement district and the City at large; and (f) a request that such improvements be made without notice and hearing as required by K.S.A. 12-6a01 *et seq.*, (the "Act"); and

WHEREAS, the City Council (the "Governing Body") of the City hereby finds and determines that said Petition was signed by **the owners of record of more than one-half of the area** liable for assessment for the proposed improvements, and is therefore sufficient in accordance with the provisions of the Act.

THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS:

Section 1. Findings of Advisability. The Governing Body hereby finds and determines that:

(a) It is advisable to make the following improvements:

Construction of pavement on Pearl Beach Street from Hoover Road east to the west line Curtis Street and on Curtis Street from the south line of Reserve D, north to 29th Street North with medians and drainage to be installed where necessary.

That said pavement between aforesaid limits be constructed for a width of thirty (30) feet from gutter line to gutter line, and each gutter to be two (2) feet in width, making a total roadway width of thirty four (34) feet with plans and specifications to be furnished by the City Engineer of the City of Wichita, Kansas.

That sidewalk be construction on one side of Pearl Beach Street and Curtis Street with plans and specifications to be furnished by the City Engineer of the City of Wichita, Kansas.

And

Construction of pavement on Gulf Breeze Street from the south line of Reserve E, north to Pearl Beach Street; on Gulf Breeze Street from the north line Pearl Beach Street north to the east line of Gulf Breeze Court; on Gulf Breeze Circle from the north line of Pearl Beach Street, east to and including the cul-de-sac; on Gulf Breeze Court from the north line of Gulf Breeze Street north to and including the cul-de-sac to serve Lots 11 through 15, Block A; on Gulf Breeze Court from the south line of Gulf Breeze Street south to and including the cul-de-sac to serve Lots 16 through 23, Block A; and on Wavecrest Circle from the east line of Curtis Street east to the south line of Lot 21, Block B, with drainage to be installed where necessary

That said pavement between aforesaid limits be constructed for a width of twenty four (24) feet from gutter line to gutter line, and each gutter to be two (2) feet in width, making a total roadway width of twenty eight (28) feet with plans and specifications to be furnished by the City Engineer of the City of Wichita, Kansas (the "Improvements").

(b) The estimated or probable cost of the Improvements is **One Million Five Hundred Nineteen Thousand Dollars (\$1,519,000,000)**, exclusive of interest on financing and administrative and financing costs; said estimated amount to be increased at the pro rata rate of 1 percent per month from and after the date of submission of the Petition to the City. If expenses have been incurred for the Improvements and construction has not started within two years of the initial design contract, the Improvements will be deemed abandoned and expenses incurred to date will be assessed against property in the Improvement District defined below in accordance with the provisions thereof.

(c) The extent of the improvement district (the "Improvement District") to be assessed for the cost of the Improvements is:

PEARL BEACH ADDITION

Lots 1 through 33, Block A

Lots 1 through 21, Block B

(d) The method of assessment is: **equally per lot (54 lots).**

In the event that the driveway approaches and curb cuts are not included within the scope of the Improvements and estimated cost thereof as set forth in subsection (b) above, the costs of such driveway approaches and curb cuts so constructed shall be directly assessed to the property benefitted thereby in addition to the assessments levied for the Improvements.

In the event all or part of the lots or parcels in the proposed Improvement District are reconfigured before or after assessments have been levied, the assessments against the replatted area shall be recalculated on a square foot basis.

(e) The apportionment of the cost of the Improvements, between the Improvement District and the City at large, is: **99.04%** to be assessed against the Improvement District and **0.96%** to be paid by the City-at-large.

(f) The payment of assessments to be imposed hereunder may be indefinitely deferred against those property owners eligible for deferral pursuant to the City's Special Assessment Deferral Program.

Section 2. Authorization of Improvements. The Improvements are hereby authorized and ordered to be made in accordance with the findings of the Governing Body as set forth in **Section 1** of this Resolution.

Section 3. Plans and Specifications. The City Engineer shall prepare plans and specifications for said Improvements and a preliminary estimate of cost therefore, which plans, specifications and estimate shall be presented to the Governing Body for its approval.

Section 4. Bond Authority; Reimbursement. The Act provides for the Improvements to be paid by the issuance of general obligation bonds or special obligation bonds of the City (the "Bonds"). The Bonds may be issued to reimburse expenditures made on or after the date which is 60 days before the date of this Resolution, pursuant to Treasury Regulation § 1.150-2.

Section 5. Effective Date. This Resolution shall be effective upon adoption. This Resolution shall be published one time in the official City newspaper, and shall also be filed of record in the office of the Register of Deeds of Sedgwick County, Kansas.

ADOPTED by the City Council of the City of Wichita, Kansas, on December 22, 2015.

(SEAL)

Jeff Longwell, Mayor

ATTEST:

Karen Sublett, City Clerk

APPROVED AS TO FORM:

Jennifer Magaña, City Attorney and Director of Law